

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.	:	10/085,539	Confirmation No.:	9853
Applicant	:	CARLYLE, Wenda		
Filed	:	February 26, 2002		
TC/A.U.	:	1616		
Examiner	:	WEBMAN, Edward J.		
Docket No.	:	P872		
Customer No.	:	28390		
Title	:	PEROXISOME PROLIFERATOR-ACTIVATED RECEPTOR GAMMA LIGAND ELUTING MEDICAL DEVICE		

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**DECLARATION OF PEIWEI CHENG UNDER 37 CFR § 1.131**

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I, Peiwei Cheng, declare the following:

1. I am a co-inventor of the above-identified patent application, Serial No. 10/085,539.
2. I have read and I am familiar with the Office Action mailed 20 October 2006 pertaining to this application.
3. I understand that in the Office Action mailed 20 October 2006, the Examiner rejected claims 1, 2, 5-7, 9, 11 and 27 as allegedly obvious under 35 U.S.C. §103(a) over Eury, U.S.

Patent No. 5,443,458, in view of International Publication No. WO01/07066. A copy of International Publication No. WO01/07066 is attached as Exhibit A.

4. I have read and I am familiar with International Publication No. WO01/07066. It is my understanding that International Publication No. WO01/07066 was filed on 19 July 2000 and published on 1 February 2001.

5. Attached as Exhibit B is a copy of a two pages of the laboratory notebook of co-inventor Robert L. Cafferata (which are redacted), which were prepared with my assistance and witnessed by Wenda Carlyle before 1 February 2001. The laboratory notebook pages summarize and evidence the reduction to practice of the invention disclosed and claimed in the present application Serial No. 10/085,539. The site-specific drug delivery medical device disclosed in these laboratory notebook pages evidences that the reduction to practice of the claimed invention was performed before 1 February 2001. Specifically, the laboratory notebook pages describe a stent that is designed to improve the treatment of restenosis by eluting ligands of peroxisome proliferator-activated receptor gamma (PPAR $\gamma$ ) from the stent. See Exhibit B, page 1, paragraph 1. Rosiglitazone is disclosed as a PPAR $\gamma$  ligand of particular interest to elute from a stent to treat restenosis. See Exhibit B, page 1, paragraphs 2 and 6, and page 2, paragraph 1. In addition, these laboratory notebook pages were prepared in the United States.

6. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

  
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Inventor: Peiwen Cheng

Date 2/12/2007